

**MINUTES OF  
TENNESSEE MASSAGE LICENSURE BOARD**

Date: February 14, 2006

Time: 9:00 a.m. C.S.T.

Location: Cumberland Room  
Ground Floor, Cordell Hull Building  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37247-1010

Members Present: Steve Harper, LMT, Chair  
Rebecca Eichel, LMT, Secretary  
Kirsten VandeBerg, LMT  
Beverly Chumbley, RN, LMT  
Juliana Glassgow-Trotman, LMT  
Craig Blackwell, Citizen Member  
Robbie Bell, Ex-Officio

Member Absent: Marilyn Field, Citizen Member

Staff Present: Dianne Birkner, Unit Manager  
Dale Hill, Board Administrator  
Bob Kraemer, Advisory Attorney

A quorum being present, the Board meeting was called to order by Mr. Steve Harper at 9:04 a.m.

**Welcome New Board Member**

Mr. Harper introduced and welcomed Mr. Craig Blackwell, the new citizen member to the Board. Mr. Blackwell is from Chapel Hill, Tennessee.

**Contested Case**

Larry Hargrove, LMT

Mr. Hargrove's case was continued.

## Consent Orders

### Sandra Erwin, LMT

Ms. Elisha Hodge of the Office of General Counsel presented the Consent Order that stated on August 20, 2004 an Order was entered in the Administrative Procedures Division, which enumerated the discipline that the Board took against Ms. Erwin's license at the meeting on August 19, 2004. The Order reflects that Ms. Erwin was held in violation of the Massage Practice Act for failure to obtain/submit continuing education hours for the calendar year 2002. As a result of the finding, Ms. Erwin was ordered to obtain and submit proof of eighteen (18) hours of continuing education and pay a civil penalty of \$150.00 within ninety (90) days of the effective date of the Order. In the Consent Order presented today, Ms. Erwin agrees that her license to practice massage therapy in the State of Tennessee is revoked effective upon entry of the Consent Order.

Ms. VandeBerg made a motion to accept the Consent Order. Ms. Glassgow-Trotman seconded the motion. The motion carried.

### Gregory Sims, LMT

Ms. Elisha Hodge of the Office of General Counsel presented the Consent Order that stated on August 19, 2004 a Letter of Reprimand was ratified by the Board which reprimanded Mr. Sims license for failure to obtain and submit continuing education hours for the 2002 calendar year. As a result of the finding, Mr. Sims was ordered to obtain and submit proof of eighteen and one half (18 1/2) hours of continuing education within ninety (90) days of the effective date of the Order and pay a civil penalty of \$150.00 within thirty (30) days of the effective date of the Order. In the Consent Order presented today, Mr. Sims agrees that his license to practice massage therapy in the State of Tennessee is revoked effective upon entry of the Consent Order.

Ms. Chumbley made a motion to accept the Consent Order. Ms. VandeBerg seconded the motion. The motion carried.

### Marianne Smith, d/b/a/ Relax Your Ass Ranch, Unlicensed Massage Establishment

Ms. Elisha Hodge of the Office of General Counsel presented the Consent Order that stated Ms. Smith owned, operated, and resided at Relax Your Ass Ranch and that she practiced massage therapy at Relax Your Ass Ranch for compensation in October of 2002 and November 2004. Ms. Smith also advertised massage at this location on the internet. At no point during her massage therapy practice did Ms. Smith have an active establishment license. In the Consent Order presented today, Ms. Smith agrees to pay two (2) Type B Civil penalties in the amount of \$250.00 each for a total of \$500.00 and pay all reasonable and actual cost of the prosecution of this case not to exceed \$200.00 within six (6) months from the effective date of the Order.

Ms. Glassgow-Trotman made a motion to accept the Consent Order. Ms. Eichel seconded the motion. The motion carried.

## **Licensure Denial Appeal**

### **Planet Sun Tanning Salon**

The application for Planet Sun Tanning Salon massage establishment was denied licensure at the August 22, 2005 Board meeting based upon one letter submitted in the application process was fraudulent and the signature appeared to be forged. Ms. Day has appealed the denial and a contested case convened.

The State was represented by Ms. Elisha Hodge. Ms. Kim Day, owner of Planet Sun Tanning Salon was represented by Ms. Kim Dedmon. Judge Rob Wilson presided over the case.

Ms. Vandenberg made a motion to accept Findings of Fact numbers 6 through 11 as written. Ms. Chumbley seconded the motion. The motion carried.

Ms. Chumbley made a motion to accept as Conclusion of Law items #12 and #13 of the Allegations of Law. Ms. Vandenberg seconded the motion. The motion carried.

Ms. Chumbley made a motion to deny Planet Sun Tanning Salon's appeal. Ms. Glassgow-Trotman seconded the motion. The motion carried.

Mr. Harper stated the Board takes this action to protect the public from being exposed to practitioners who have proven themselves to be untrustworthy.

## **Minutes**

Ms. Vandenberg made a motion to accept the minutes of the December 5, 6, 2005 Board meeting as written. Ms. Glassgow-Trotman seconded the motion. The motion carried.

## **File Reviews**

### **Jeremy Nichols Newberry**

Mr. Newberry appeared before the Board to give explanation regarding traffic violations. Ms. Eichel made a motion to approve Mr. Newberry for licensure. Ms. Chumbley seconded the motion. The motion carried.

### **Darnell Tyrone Powell**

Mr. Powell appeared before the Board to give explanation to a felony conviction of vehicular assault. Ms. Smithson of Lighthouse Professional Services advocated for Mr. Powell. Ms. Eichel made a motion to approve Mr. Powell for licensure. Ms. Chumbley seconded the motion. During discussion, Mr. Harper asked if the Board could condition a license. Mr. Kraemer stated, at this time, the Board did not have the authority to condition a license. The motion carried.

Deea Monique Hardison

Ms. Hardison appeared before the Board to give explanation to a felony conviction for conspiracy to distribute and possession of cocaine. Ms. Hardison completed a five hundred (500) hour residential drug abuse program along with a forty (40) hour drug education program. She also received letters of support from her probation officer and was given an early release from probation. Ms. VandeBerg made a motion to approve Ms. Hardison for licensure. Ms. Eichel seconded the motion. The motion carried.

Amanda Elaine Elkins

Ms. Elkins appeared before the Board to give explanation to two misdemeanors; driving while impaired and underage possession of beer. Ms. Smithson of Lighthouse Professional Services advocated for Ms. Elkins. A motion was made by Ms. Eichel and seconded by Ms. Glassgow-Trotman, to approve Ms. Elkins for licensure. The motion carried.

Joshua David Kimsey

Mr. Kimsey appeared before the Board to give explanation to a conviction coupled with an arrest that involved use of alcohol. A motion was made by Ms. Chumbley to approve Mr. Kimsey for licensure. Ms. Eichel seconded the motion. The motion carried.

Antwan Nathaniel Ramsey

Mr. Ramsey did not appear. Ms. Chumbley made a motion to postpone action on Mr. Ramsey's file until next meeting. Ms. Glassgow-Trotman seconded the motion. The motion carried. Ms. Smithson of Lighthouse Professional Services stated she is withdrawing her original letter of recommendation on behalf of Mr. Ramsey.

**Investigation/Disciplinary Report**

Ms. Lea Phelps presented the Investigative Report which indicates fifty-one (51) new complaints have been received to date. A total of forty-three (43) complaints have been closed, twenty-seven (27) with no action, one (1) with a letter of concern, and fifteen (15) referred to the Office of General Counsel. There are currently fourteen (14) open cases in Investigations.

**Administrator/Directors Report**

Ms. Birkner presented the report regarding statistical information and license status since the last meeting which indicated the following:

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
Active Licensees – 4073	Active Licensees – 1117
Retired Licensees – 386	Retired Licensees –168

Failed to Renew – 1233	Failed to Renew – 214
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#### **LICENSE STATUS SINCE LAST MEETING**

<b><i>THERAPISTS</i></b>	<b><i>ESTABLISHMENTS</i></b>
<b><i>November 2005</i></b>	<b><i>November 2005</i></b>
Newly Licensed – 72	Newly Licensed – 48
Reinstates – 5	Reinstates- 2
Retired- 3	Retired-3
New Applications-56	New Applications-52

<b><i>THERAPISTS</i></b>	<b><i>ESTABLISHMENTS</i></b>
<b><i>December 2005</i></b>	<b><i>December 2005</i></b>
Newly Licensed – 48	Newly Licensed – 26
Reinstates – 7	Reinstates- 0
Retired- 6	Retired-6
New Applications-59	New Applications-21

Ms. Birkner reported effective January 1, 2006 the mileage reimbursement rate increased to .42 per mile. She also reported the process has begun to obtain a new contract for massage inspector(s). Also, staff is working with the National Board to obtain examination scores on-line. This is an ongoing process and she will keep the Board updated.

#### **Hurricane Katrina Emergency Relief**

By Executive Order, the Division of Health Related Boards was able to issue emergency temporary licensure of those Alabama, Louisiana and Mississippi health care professionals who relocated to Tennessee either accompanying patients or who were displaced and seeking employment. The Massage Board has issued four emergency licenses. The licenses expired December 25, 2005. At the current time only one K-Temp licensee has contacted the Board for full licensure.

Ms. Bell spoke of her meeting with the Federation of Associations of Regulatory Boards (FARB). She met with Ms. Sally Hacking, Government Relations Director with the National Certification Board for Therapeutic Massage and Bodywork, and Mr. Rick Rosen, Chairman of the Federation of State Massage Therapy Boards and invited each of them and their staff to come to Nashville to meet with the Board and Board staff.

### **Establishment Inspection Report**

Ms. Birkner reported there were one hundred seven (107) inspections conducted during November and December 2005.

### **Financial Report**

The Board reviewed the report.

### **Office of General Counsel Report**

Mr. Kraemer reported the following:

1. Categories of Continuing Education – (04-1576) These rules went to rulemaking hearing on January 21, 2005. They were adopted by the Board on February 14, 2005 and were sent to the Attorney General on April 8, 2005. They were signed by the Attorney General and filed with the Secretary of State on December 16, 2005 and become effective on March 1, 2006. .
2. Criminal Background Checks and Housekeeping– (05-0095) These amendments went to rulemaking hearing on April 25, 2005. They were adopted by the Board on August 26, 2005 and were sent to the Attorney General on August 31, 2005. They are still there.
3. 2005 Legislation and Retreat Amendments - (05-1396) These amendments regarding a wide variety of subject areas generated by discussions at the recent Board retreat and the 2005 legislative session went to rulemaking on October 18, 2005. They were adopted by the Board on December 5, 2005 and were sent to the Attorney General on December 8, 2005. They are still there.
4. Continuing Education, Board Orders and Establishment Enforcement Amendments (05-1609) These amendments will go to rulemaking hearing on March 3, 2006 and will be ready for consideration for adoption at your next meeting.

### **Litigation:**

The Office of General Counsel currently has seventeen (17) open disciplinary cases pertaining to the Massage Board.

### **Lighthouse Professional Services Report**

Ms. Smithson reported thirty-two (32) applications have been reviewed since November 2004. Of those applications; sixteen (16) were approved with no action, seven (7) were approved but have stayed in the program for monitoring, nine (9) were recommended for further evaluation and/or treatment. Thirteen (13) applicants tested positive for drugs (approximately 40 %).

### **Requests for Continuing Education Waiver/Extension's**

Mr. Van Smith, LMT requested a waiver or an extension of time to obtain his continuing education hours. Mr. Kraemer explained the Board may only grant a waiver if it can be shown to the Board that the failure to comply was attributable to or was beyond the physical capabilities of the person seeking the waiver.

Ms. Chumbley made a motion to deny his request for a waiver and that the Continuing Education Policy be applied. Ms. Glasgow-Trotman seconded the motion. The motion carried.

### **Review and Discuss Legislation**

Mr. Kraemer reported the Bill regarding the proposed legislative initiatives discussed at the last meeting, is in process. This Bill relates to grandfathering, disciplinary action for violations, authority to condition a license, and making practice of massage therapist in an unlicensed massage establishment unlawful.

### **Vote on Recommendation That All Applicants Going Through A Peer Assistance Program Must Appear Before the Board Prior To Licensure**

Ms. Chumbley made a motion which was seconded by Ms. VandeBerg to require all applicants going through a peer assistance program to appear before the Board prior to licensure. During discussion Ms. VandeBerg stated the intent was that all applicants with derogatory information as spelled out in Board policies, appear before the Board. Ms. Birkner explained there may be instances when a file needs reviewing by the full Board but that the applicant may not be requested to appear. It is the understanding that in those instances, it will be placed on the agenda as "File Review" and those attending would be listed as "Applicant Interviews". The motion carried.

### **Discuss And Take Action Regarding Adding New Rules To "Noteworthy" Section Of The Board's Web Page**

Ms. VandeBerg requested staff to put rule changes on the Internet under the Board's "Noteworthy" section. Ms. Bell stated this could be done when it is a small rule change, but we would not summarize a large set of rules. A note can be made referencing the change and referring people to the Board's web site.

### **Vote To Amend/Extend Lighthouse Professional Services, Inc. Contract For One Year**

Ms. Chumbley made a motion to amend/extend the contract for one year. Ms. Eichel seconded the motion. The motion carried.

### **Ratifications**

Ms. Chumbley made a motion to ratify all new and reinstatement licenses for massage therapists and massage establishments issued from November 18, 2005 to January 27, 2006. Ms. Glasgow-Trotman seconded the motion. The motion carried.

## **Massage Therapists**

TRACIE L ADAMS  
MELINDA SHARLENE ADKINS  
LINDA SHARON ALEXANDER  
KENNETH BRETT ANDERSON  
ARIEL BENJAMIN BAKER  
DEBRA ANN BALLOU  
MELISSA BARNES  
CHRISTY M BEARD  
JAMEY ANN BELL  
EMILY ELIZABETH BENNETT  
MEGAN RENEE BENNETT  
JAMIE ALESE BERRY  
SHANELL LANETTE BLACK  
JOY RUTH BLASY  
GENEVIEVE BOBECK  
TERRI LEE BOLDEN  
MARGARET GARLINGTON  
BROWN  
CANDY HONEY BROWNING  
CALVIN DESHUN BUFFORD  
NORA GRACE BURKE  
RACHAEL SARAH BUTLER  
ARIZONA LASHAWN CAIN  
KARI LYN CARSON-WILSON  
TABATHA CHRISTINE CARTER  
LAURA LYNNE CHESSOR  
GALIT VIVIANA CHURCH  
MARY GRACE CLOSE  
JUDY L. CLOUGH  
BAILEY BREE COOKE  
SHARON M DAVERN  
MARISA DANIELLE DEAN  
CORINA NICHOLE DEARMON  
JESSICA GENE DEGREEK  
HEATHER RENEE DOLEN  
JENNIFER NORA DUNCAN  
ASHLEY RYAN EPPS  
LEMESA JOY ERDMAN  
CRYSTAL LOUISE FITZPATRICK  
SHIRLEY FREEMAN  
TAMEKA ROCHELLE FROST  
CHERYL DENISE GANT  
VICTORIA ZULEWSKI GERDOM  
MEGAN QUINN GLYNN  
LILKEYTA NUQUAWN GOODLOW  
JULIA CATHERINE GOODRUM  
CORTNEY M GOODWIN

ERICA DENISE GORDON  
DONNA LYNN GOSS  
REBECCA ANN GURKIN  
MICHELLE DAWN HALE  
STEPHEN ATLY HALL  
MARY KATHLEEN HARLOW  
JASON ALLEN HARP  
IRIS E HASSAN  
RACHAL L HENSON  
NADIA CATRICE HOLMES  
BRANDY JONES HUTH  
CLINTEN WADE JOHNSON  
DAVID EARL JONES  
MARCO DEVONN JONES  
ELISA DANIELLE KELLUM  
SEAN PATRICK KELLY  
SIMONA JENESE KENDRICK  
ROBIN KATHLEEN KENNEDY  
ELISA LORAIN LEE  
JOSEPH LEE LENDLEY  
JOHN DANIEL LEWIS  
JUAN PABLO LOPEZ  
JOHANNA CHRISTINE LOWHORN  
BUFFIE DEANN LUPO  
STACEY RENEE MANLY  
EDWARD VINCENT MARTIN  
MACKENZIE JIN MARTIN  
MARGARET MARIE MAUCK  
DEANNA MARIE MCGREEVY  
WHITNEY MARIE MEREDITH  
TROY MAURICE MORRIS  
ERIN LEIGH MULLER  
LISA LEE PAGE  
JESSICA DELAYNE PATTERSON  
LISA MARIE PATTERSON  
TERESA ANNETTE PAUL  
DANIELLE RACHEL PITRE  
LISA LYNN PORTER  
VANCE POSS  
TRACY MICHELLE QUILLEN  
CAROL GWENDOLYN QUINN  
ROXANE MARIE REEVES  
HEIDI L ROSTAMPOURS  
CYNTHIA DEANNE ROWE  
MELISSA DEAN RUSSELL  
MELISSA ANN SAUSAMAN  
MELISSA ANNETTE SHARP



CANDICE SHAMEKA SHAW  
KIRK LAURENCE SHELTON  
JOEL LASHAWN SHIPP  
HERMINE NICOLE STREATE  
ELIZABETH BECKER  
STUHLREYER  
BARBARA GAIL SUBLETT  
REBECCA A SYPEREK  
ANGELA CRYSTAL TYLER  
ROBIN ANNE VOWELL  
REGINALD EMIL WADE

CHERISH ELAINE WALDROP  
FANG WANG  
LONNIE DEE WEBB  
JAMIE LOUISE WHEELER  
DAVID ROBERT WHITE  
CHARIKA CHANTELEE WILLIAMS  
HEATHER MICHELLE WYATT  
SHEILA PAULETTE YARBROUGH  
ERIN LAYNE YOUNG  
ERIN M ZUKOWSKI

### **Massage Therapists Reinstated**

TERRANCE D ADKINSON  
CHARLOTTE MARIE BAKER  
BRADLEY WAYNE BECKETT  
HEATHER NICOLE BILLINGS  
MELANIE ANN DUNIVAN  
MARLENE M FRAME  
HALLIE ANN FREEMAN  
NANCY CAROL GRIMES  
TONYA YVONNE HICKS  
MARY LOUISE MADDOX  
LORI RAE MCCAIN  
EDWARD JOHN PORRECA  
MATTHEW WADE SUNSHINE

### **Massage Establishments**

HANDS OF GRACE" MASSAGE AND DAY-SPA"  
A KNEADED TOUCH THERAPEUTIC MASSAGE  
A SHARPER IMAGE HAIR GALLERY  
A UTOPIA DAY SPA & FULL SERVICE SALON & HOLISTIC HEALTH CENTER  
ADVANCED CHIROPRACTIC  
ANGEL GLOW MASSAGE THERAPY AT CLIFFORD CHIROPRACTIC  
APPALACHIAN MEDICAL MASSAGE ASSOCIATES, LLC  
BODY TINGLES MASSAGE  
BODYWORK NASHVILLE  
C-RAY THERAPEUTIC SPA AND SALON  
CAROL MULLINS, LICENSED MASSAGE THERAPIST  
CAROLYN'S MASSAGE GARAGE  
COLE CHIROPRACTIC CTR OF BARTLETT,PC DBA COLE PAIN THERAPY GROUP  
DAYWIND SALON AND SPA  
DENISE GLEASON, LICENSED MASSAGE THERAPIST  
DEXTER ALEXANDER WILEY  
DRAMATIC DIFFERENCE  
DUEKER HEALTH CENTER  
EDEN MASSAGE-LARA BODARY LICENSED MASSAGE THERAPIST  
ELEMENTS DAY SPA

ELENA STOEVA, LMT, MD, NCTMB  
ELITE CHIROPRACTIC AND WELLNESS CENTERS  
ELNORA'S BEAUTY PLACE  
ELYSIUM DAY SPA  
ENCHANTED TOUCH MASSAGE THERAPY SERVICES  
ENDLESS SUMMER DAY SPA, INC.  
EVAN DAVID SALON  
FAIRFIELD THERAPEUTIC MASSAGE  
GREEN HILLS CHIROPRACTIC CLINIC, L.L.C.  
HAIR PRODUCTIONS  
HAIR UNLIMITED  
HARRIS CHIROPRACTIC CLINIC  
HEALING TOUCH  
HEALTHY EFFECTS  
HEALTHY EFFECTS-THERAPEUTIC MASSAGE  
HILLCREST CHIROPRACTIC CENTER, P.C.  
IZABELLA DAY SPA  
JAN SCHIM, LMT  
JANE E. QUINN  
JANICE A. CATHEY LMT  
JEANETTE L. GOLTER, L.M.T.  
LEXINGTON PLAZA HAIR AND NAILS  
LIMB BY LIMB BODYWORKS  
MADIA'S STUDIO, INC.  
MASSAGE THERAPY ASSOCIATES  
MAURY BALLENGER MASSAGE THERAPY  
MILA'JA SALON AND DAY SPA  
MILEY'S HEALING HANDS  
MS. SUE'S SKIN CARE AND DAY SPA  
MUSTARD SEED MINISTRIES OF KINGSPORT, INC  
NATURES WAY CENTER FOR MASSAGE THERAPY  
NELSON ACQUISITION INC, DBA ATHEN SALON AND IMAGING CENTER  
NU THERAPIES BROOKSIDE  
NUWEIGH FAMILY FITNESS LLC  
PAIN MEDICINE ASSOCIATES, P.C.  
PROFESSIONAL MASSAGE  
REALTIME ENTERPRISES DBA MASSAGE MASTER  
RESHAPE FITNESS  
ROSS THE BOSS AND CO #2  
SALON CAPELLI LLC  
SALON DE CARLO  
SE'LAH SALON AND SPA  
SHIRIN SOHRABI  
STOUT'S CALIFORNIA CONCEPT SALON  
THE BARBER SHOP  
THE HAIR GALLERIE  
THE RIGHT TOUCH  
THE SALON  
THE SALON AT HECHT'S  
THE SPA CONNECTION

TRAHIN CHIROPRACTIC CLINIC  
WORKS MASSAGE, LLC  
XTREME MASSAGE  
YMCA AT MARYLAND FARMS  
YMCA OF MAURY COUNTY

### **Massage Establishments Reinstated**

A MESSAGE TO REMEMBER  
APRIL MICHAEL, LMT  
IN OUR HANDS THERAPEUTIC MASSAGE AND BODYWORK

### **Conduct Election of Officers**

Ms. Eichel made a motion to nominate Mr. Steve Harper as Chairman. Mr. Blackwell seconded the motion. The motion carried.

Ms. VandeBerg made a motion to nominate Ms. Rebecca Eichel as Secretary. Ms. Chumbley seconded the motion. The motion carried.

Ms. VandeBerg inquired about the status of the re-write of the jurisprudence examination. Ms. Birkner stated it was in process and that she would try to complete it soon.

The 2007 Board meeting dates were set as follows:

February 12-13, 2007  
May 7-8, 2007  
August 13-14, 2007  
November 12-13, 2007

There being no further business, Mr. Blackwell made a motion to adjourn. Ms. VandeBerg seconded the motion. The motion carried and the meeting adjourned at 2:30 p.m.

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Rebecca Eichel, LMT, Secretary